P 38E

App. F. IX-4

Previous References 1936-7 (C-S)

File No. 11-36

Serial Nos. 28, 48, 114, 175, 188, 194, 248, 262, 268

Letter References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nine

Part B for Oct 37

SUBJECT.

Exclusion of Religion and political activities from Cooperative Society meetings

D 9434 dt. 22-6-37

Compiler

WD 0418—GPB—22,500—29-8-36

Notice the rule in the matter of

GENERAL AND REVENUE SECRETARIAT.

(bf) 3512

NOTES.

File No. 11-36

FILE HEADING.

Recommendations of the Committee on Co-operation in Mysore

FROM The Registrar of Co-operative Societies in Mysore Bangalore

No. 5572 Dated 5-1-31 Received 7-1-31

Diary No. 3512 Enclos. — Spare copies — Serial No. 28

BRIEF ABSTRACT OF LETTER

Recommends approval to the proposal of the Committee to empower the Registrar to rescind any resolution or action of Societies which may contravene the principle of exclusion from the activities of the movement of the discussion or propagation of Controversial opinion of political or religious character

NOTES AND ORDERS.

V The Registrar represents that the power of rescinding any resolution such as above has been given to the Registrar Co. in Madras Presidency. It is not known whether such power is granted in other provinces of British India

It is for orders whether information has to be obtained from the Registrar on this question. If the proposal is to be accepted, whether the same should be incorporated in the Regulation or rules under the Regulation is also for

NOTES—First Sheet

WD'69—GBPM—5,000—14-7-31

3512/1

G.S. File No. 11 of 1936 | General and Revenue Secretariat

Page 2-9 of Notes

order. and it seems also desirable to clearly define the expression of the words "political and religious character" to avoid indefiniteness in the application of the expression. Subject

GENERAL SECRETARY
30 JAN. 1937
178

to 24/1/37 2) This is a power which it is desirable to define as precisely as possible in order not to interfere unduly with the activities of Co-operative institutions. If approved a Copy of the G.O. or Rule giving this power in Madras & the Regr will be called for. The Regr will also be requested to state if similar power has been given in other Govt or Indian provinces

A.L. Reddy) 30/1/37

3) Yes Qus 30/1
1.2.37

4)

Off Subject for above

to CB 2/2/37

5) Issued 5.2.37

4. FEB. 1937

The Registrar of C.S. D.5240 6-2-37 48

Requests to forward a copy of Govt. order the rule giving the power to the Registrar of C.S. Madras to rescind any action of a society etc. & to report if any similar powers has been given to other Registrars of C.S. in other Provinces of British India

Sec A

to 4/2/37

3(12) Part 6369

General and Revenue Secretariat · 6/ File No. 11 of 1936 [App. F. III—2

Serial No.

Letter No 8(9)30 dated 15/5/37 from the Registrar C/S forwarding extracts from the practice in British Indian Provinces & Indian States regarding the Registration of societies etc

It 6) It is seen that the powers of rescinding the resolution have been given in Bombay, U.P. Burma and Cochin and that in Bihar & Travancore the question is under consideration. It is also seen that the words "religious and political character are found only in the rule framed by Cochin State and the word 'religious' is found in the Bombay rule and that the other two provinces viz Burma & U.P have not used the words at all. Subs for orders

20/5/37 7) The order of the Hon'ble Member in the draft consolidated G.O. may be awaited

21/5/37

8) A copy of the order issued on Chapter II is placed below for perusal. Govt have agreed with the Committee re the exclusion of discussion or propagation of controversial opinions of a religious or political character from the activities of the movement and empowering the Registrar to rescind any resolutions contravening

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

2350/37
P 6369 ✓ 2033

Excluding political activities from Co-op. movement

General and Revenue Secretariat

File No. 11 of 1936

Serial No.

this principle. The Registrar will be requested to process a suitable draft rule for giving effect to the recommendation. Dft letter is submitted for issue

9) Issued by 15.9.37

TYPING SECTION. 27 SEP 1937 GEN'L & REV. SECTT.

To The Registrar Co-op. Societies D 2813. 6-10-37. 175

States that re:- the exclusion of political & religious activities from the Co-op. movement, the Govt have accepted the recommendation of the Committee vide G.O. D 1113/C.S. 11-36-144 & requests him to forward suitable draft rule for giving effect to it.

Sir A.

GEN. & REV. SECRETARIAT 6 OCT. 1937 DEVELOPMENT BRANCH

Letter No 2842 dated 8/(9)37 from the Registrar forwarding draft rule to give effect to the recommendation

10) Dft notification publishing the draft rule and calling for objections is submitted. The draft rule will be published by the Law Secretariat

14/(10)37 11) The draft notification calling for objections is submitted for favour of signature

Mr Levy Law N.C. 15.10.37

12/ Law ROKR 17.10.37

Exclusion of political or religious activities from the Co-operative movement

Serial No.

12) I have no remarks to offer

BKR 19/10/37.

Under Secretary Rev Dr W S

13) Secy A. S. G. W 19.10.37

OFFICE OF THE LEGISLATIVE COUNCIL 2 OCT 1937 3.0.52

OCT 19

14) Dft & Notification for personal before time

Dft 20.10.37

W 22.85

11 members) Dewan)

15) Secy 21.10.37

Secy 25/10/37

16) MS 25-10-37

Dft 26.10.37

17) Secy 26.10.37

198. The Compiler Mysore Gazette.

D 3350 23-11-37.

Notifies draft rules regarding the exclusion of political and religious activities from the Co-operative movement

18) It is submitted that only one objection has been received from the proposed — namely B'lore City Co-operative Society Ltd — that

TYPING SECTION 27 OCT 1937 DEPT. & SECTT.

For B file 15/1/38

10/11/37

NOTE—Contn. Sheet.

GEN. REV. SECRETARIAT 10 NOV. 1937

WD 0417—GPB—20,000—8-9-36

2033
D

bf File No. 11 of 1936 | General and Revenue Secretariat

Serial No.

the rule is too vaguely worded and is open to abuse. We strongly represent that there is no provision under 44(2)(c) to make such a bylaws. Section 44(2)(c) empowers Govt to make rules prescribing the matters in respect of which a Society may or shall make bylaws and for the procedure to be following in making altering and abrogating bylaws and the conditions to be satisfied prior to such making alteration or abrogation." When the rules were published the Law Section agreed with the draft proposal. If approved the Law Section will again be consulted on the objections received before orders

24/1/36

19) On the face of it, under S. 44(2)(c), Govt. have powers to prescribe on what matters the Societies may or shall make bylaws, but do not seem to have reserved to themselves powers to say on what matters they shall not make. Whether the provisions of S. 44(2)(c) cover the negative aspect of the question also seems doubtful.

20) This may kindly be examined

Exclusion of political or religious activities from the Co-operative movement

General and Revenue Secretariat | C S File No. 11 of 1936. | [App. F. III—2

Chapter II

Serial No.

12) I have no remarks to offer
ISKR
19.10.37.

Under Secretary
Dewan
WC

13) Secy A. S. G. 19.10.37

14) Dft notification for perusal before issue
20.10.37

11 Member
Dewan

15) 21.10.37

25/10/37

16) MS
25-10-37

17) 26.10.37
issue
26.10.37

198 — The Compiler Mysore Gazette.
D 3350. 3-11-37.

Notifies draft rules regarding the exclusion of Political and religious activities from the Co-operative movement

18) It is submitted that only one objection has been received from the proposal — Namely B'lore city Co-operative Society Ltd — that

For B bill
15/1/38

10/11/37

NOTE—Comm. Sheet.

WD 0417—GPE—20,000—8-9-36

5052/37
P

Serial No.

1) The right of the Govt reserved.

1(6) 28/2

Asst. Secy. (Law) 4/2

2) When the Govt has power to prescribe the matters in respect of which a Society may or shall make bye-laws, it seems to me that Govt should also be deemed to have power to say on what matters a Society shall not take part—

Law BMR 26/2

BMR 28.2.37

Asst. Secy Develop wc

1(5) 1/3

2) Secy (I & C)

3) I am afraid this matter concerning a power to bring the rule under sec 44(2)(c) prior Coop Societies regn. Act may prescribe under rule-power the matters in respect which a Society may or shall make bye-laws, but I don't think it gives the power to say in what matters the Society shall not act.

4) The proposed rule re exercising political & religious activities by ~~movements~~ primary Coop movements

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

Exclusion of Political & religious activities from the Co-operative movement.

C.S. File No. 11 of 193 6. General and Revenue Secretariat

may always be abandoned

4.3.38

II member)

25) What is the statutory basis for such a rule in Bombay & N.P.? Have the Govts of these provinces got wide powers of rule making?

7/3/38

7.3.38

26) Draft subs to above

9/3/38

27) Issue

10/3

Issued vide D 6643 dt 12.3.1938. The Regr I.C.S. calls for the information.

28) Forwarded interim reports to the Registrar Co-operative Societies inspected for reference as requested by phone.

29.4.38

SECOND MEETING
5 MAR 1938
6522

TYPING SECTION
10 MAR 193

Office of the Registrar of Co-operative Societies
30 APR. 1938
No.

Serial No.

No 8986 es dy 2.5.38.

Returned with compliments.-

In reply to my letter addressed to the Registrars of Co-operative Societies, Bombay and U.P. the latter replied stating that Section 43 of the Government of India Act (II of 1912) for co-operative societies provides for the making of Rules by the local Government to carry out the purposes of the said Act and that Rule 175 as well as other Rules have been framed by the Local Government accordingly. I have not received any reply from the Registrar of Co-operative Societies, Bombay. Section 43 of the Indian Co-operative Societies Act is similar to Section 44 of the Mysore Act In 44 (2) the objects for which rules may be framed "without prejudice to the generality of the foregoing power" are detailed. Thus it will be seen that the Government have powers under 44 (1) to frame rules for carrying out the purposes of the Act. The Act clearly indicates that co-operative societies are intended for the promotion of the economic interests of their members. The Maclagan Committee on Co-operation in India 1915, observed that it was necessary that "Government should exercise its power to prevent any misuse of the co-operative organisation to further religious

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

Exclusion of religious and political activities from Co-operative movement

6364/37

6 File No. 11 of 1936 | General and Revenue Secretariat

religious or political aims. The Co-operative Societies Act indicates that societies are intended for the promotion of the economic interests of their members. It is obvious that an organisation like that of Co-operative Societies might in certain circumstances be employed for improper objects and it would be unwise for Government to deprive itself of the power to intervene if it saw it developing in undesirable directions"

2) Co-operative Societies enjoy certain special privileges and it is most desirable that such organisations should be prevented from applying their funds or their influence for the benefit of any particular creed or religion. Societies stand for the well being of all people of whatever religious and political persuasion they may be, for the development of amity and friendly relationship and not for strife and discord between the different members of the society.

3) Hence the framing of the rule proposed is absolutely necessary in the best interests of the Movement.

Registrar of Co-operative Societies in Mysore.

2/5/38.

3) Law Secretary may kindly be consulted

3/5-38

Asst. Secy. Law

M/C

10/5/38

339

Law

4.5

6364 v 66 88

General and Revenue Secretariat | CS File No. 11 of 1936. | [App. F. III–2

Serial No.	
	The matter to be prescribed by Govt under Section 4A (2) (c) may be either by inclusion or exclusion. The proposed rules prescribes many among matters in respect of which a Society may take action, religion and politics shall be excluded. It may also add many Statutory enactments., although expressed in affirmative language, are sometimes treated as having a negative implied.
implication	
	Asst Secy Dlr for Coe — 1.6.38
	CS 1/6.
	Secy (& S.C.S.)
	The Registrar has recently sent a communication from the Bombay Co-op Depa enclosing correspn. & may also be sent up. Dr Com 2638 CS 2/6
262	Letter No 9969 dt may 38 forwarding enclosures of the letter of the Reg of C.S. Bombay
A	The communication put up. CS 2/6
	Secy (& S.C.S.)
	Please put up Bombay Co-op Societies Act

NOTE—Contn. Sheet.

Exclusion of religious and political activities from Co-operative Society's meetings.

CS File No. 11 of 1936.

General and Revenue Secretariat

Serial No.

and note the Secretariat comments forwarding for Secy's, Govt Bombay Secs.

3 6 38

1C 8/6

A copy of the Bombay manual containing Act VII of 1925 is put up

See 44 (f) and (g) of our act corresponds to section 71 (f) & (g) Bom Bombay Act, Verbatim.

Hd D 4/6

1C 4/6.

Secy (L&G.)

Refer para 25. The Law Dept Secy seems to think circulars should not be sent under sec 44(2)C, but Bombay Govt have framed under provisions Annexure and see 44(2)(f) and (g).

Any an objection was received could not be entertained unless 44(2)(c)

Further instructions may be issued after Govt finally passed under 44(2)(f) and (g)

6 6 38

1C 6/6

II Member)

Plan under sec 44(2)(f) & (g) of Govt Godown

9 6 38

Sec 8/6/38

OFFICIAL
SECOND MEMBER OF COUNCIL.
6 JUNE 1938
No. 9328

1685

Exclusion of religious and political activities from Cooperative Societies by meetings

Revenue 34

General and Revenue Secretariat

CS File No. II of 1936. [App. F. III-2

Serial No.	
	8424
	10C 9.6.38.
	Dewan.)
	JM 9-6-38
	10/6 10C 10/6
	TYPING SECTION 15 JUN GEN. & REV. SECTT.
	Draft settled. 11/6
	Issue 10C 14/6.
268	GEN. & REVENUE SECRETARIAT Press Sig 2- MAY 1938 DEVELOPMENT BRANCH.
	No. D 9434 dt 22.6.38 to the Controller of Printing & Stationery Madras.
	No objection has been made in the matter
	No. D 9435 dt 22.6.38 to the Registrar of C.S.
	Two Copies of the above

NOTE—Contn. Sheet.

No. 5502 C.S.

GOVERNMENT OF MYSORE.

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Telegraphic Address: "CO-OPERT" BANGALORE

Dated, Bangalore, 5th January *1937*.

3512

From

GULAM MOHIYUDDIN MEHKRI, ESQ., B.A., LL.B.,
Registrar of Co-operative Societies in Mysore,
BANGALORE.

To

C.S. 11-36-28 7 JAN. 1937

DEVELOPMENT BRANCH

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government
of Mysore, B a n g a l o r e.

GENERAL SECRETARY
5 JAN. 1937

Sir,

I have the honour to invite kind reference to page 29 of the Report of the Committee on Co-operation in Mysore regarding the Registrar being empowered to rescind any resolution or action of a society or its Committee or any of its Officers which may "contravene the principle that the discussion or propagation of controvercial opinions of a political or religious character are to be entirely excluded from the activities of the Movement" and to recommend that Government may be pleased to approve the recommendation of the Committee. I may state in this connection that this power has been given to the Registrar in the Madras Presidency.

I have the honour to be,
Sir,
Your most obedient servant,

M. G. [illegible]
Registrar. 7/1/37

L.S.5/1.

Appendix F G—1]

SUBJECT.....

.....

.....

Section 6A.

File No. 11-36

Serial No. 48

Diary No. of letter replied to.....

No. P 5240

To The Registrar of C.S.

General and Revenue Secretariat

( )

the *193*

Sir

of the Registrar

Date of issue 6-2-37

Signed by M. K. Subba Rao

Adverting to your letter No 5502 dated 5-1-37 re the power to revise any resolution or action of associations ~~contravening the principles~~ that the dissemination or propagation of controversial opinions of a political or religious character are to be regarded inconsistent with the duties of the ~~servants~~ etc. I am directed to and forward request you to obtain a copy of ~~forthwith~~ this Govt

List of enclosures.....

1

the G.O or ~~rule~~ ~~you~~ ~~enclosing~~

Copied by 4/2/37

the Registrar C.S. in the Madras Presidency ~~in this matter~~ and ~~obtain~~ ~~and forward~~ report

Examined by.....

also state if a similar power has been

WD 03601—GPB—30,000—23-9-35

to Registrar C.S
given in other provinces of British India

Inamdar

by
3.2.37

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 5240/65-11-36-48 Dated, Bangalore, 4th February 1937.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Registrar of Co-operative Societies in Mysore,
Bangalore.

Sir,

Adverting to your letter No.5502 dated 5th January 1937 regarding the power of the Registrar to rescind any resolution or action of a Society etc, I am directed to request you to obtain and forward a copy of the Government Order or rule giving this power to the Registrar of Cooperative Societies in the Madras Presidency and also to report if a similar power has been given to Registrars of Cooperative Societies in other Provinces of British India.

I have the honour to be,
Sir,
Your most obedient servant,

For General Secretary to Government.

mk.

No. 8920 Dl 2 C.S.

GOVERNMENT OF MYSORE

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE,

Telegraphic Adderss : "CO-OPERT" BANGALORE

C.S 11-26-114

Dated, Bangalore, 15th May 1937

6369

From

The *Registrar of Co-operative Societies in Mysore, Bangalore.*

To

The General Secretary to the Government of Mysore, B a n g a l o r e.

GENERAL SECRETARY. 17 MAY 1937

Sir,

Adverting to your letter No.5240/C.S.11-36-48 dated 6th February 1937 requesting that a copy of the Government Order or Rule giving power to the Registrar of Co-operative Societies, Madras, to rescind any resolution or action of a co-operative society etc., may be obtained and sent, I have the honour to state that the Registrars of 22 Provinces were requested to furnish information regarding the practice obtaining in their respective Provinces. In response to this request information has been received from 13 of the -- Registrars so far. The Registrar, Madras Presidency has intimated that he is not vested with any such powers. The Registrars of Bombay, United Provinces, Burma and Cochin have got this power. In Bihar, it is stated that a - draft rule has been framed on the subject and is under the consideration of Government. The Registrar of Co-operative Societies, Travancore states that he has addressed Government on the subject. There is no ruling in Assam, Ajmer-Merwara, Patiala, North-West Frontier Province, Bhopal, Central Provinces on the subject. An analysis of the practice obtaining in the Provinces is herewith submitted for the information of Government as also copies of the Rule on the subject in each of the Provinces of Bombay, United Province, Burma and Cochin and of the draft rule proposed for Bihar.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar in charge.

L.S.16/5.

Copies of the Rule on the subject of rescinding any resolution or action of a society relating to the promotion of religious or political aims.

+=====*****=====+

BOMBAY. Rule 46.

Societies not to be involved in controversial matters of a religious character. "No society may take any action which would involve the society in the discussion or propagation of controversial opinions of a religious character, and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency."

BURMA. Rule 25.

If, in the opinion of the Registrar, any resolution or proceeding of a society or of a Committee or Officer of a society -

(a) is contrary to law or to rules having the force of law

or (b) is outside the objects of the society as stated in its byelaws

the Registrar may rescind such resolution or proceeding and order that the record thereof be deleted from the records of the society, and such record shall be deleted accordingly.

COCHIN. Rule 40.

No society may take any action which would involve the society in the discussion or propagation of controversial opinion of a religious or political character and the Registrar may prohibit any action or rescind any resolution which in his opinion, is of such a tendency.

UNITED PROVINCES. Under Rule 175 of consolidated Rules framed under Section 43 of the Co-operative Societies' Act 1912 (II of 1912) the Registrar may disallow any resolution passed or any action decided upon by an Officer or a Committee or a Board of Directors or/a General Meeting of any society, if such resolution or action is in his opinion foreign to the objects of the society or against the act and the Rules and every such Resolution or action, on being so disallowed, shall become void and inoperative and shall be deleted from the records of the society. (Registrar's letter).

BIHAR. Draft Rule.

Rescission of Resolution or Proceedings.

If, in the opinion of the Registrar, any resolution

P.T.O.

resolution or proceeding of a society or of a Committe or Officer of a society -

(a) is contrary to Law or to Rules having the force of Law,

(b) is outside the objects of the society as stated in its byelaws, or

(c) is against any order or decision passed by the Registrar under the provisions of the Act or the Rules,

the Registrar may suspend the operation of such resolution or proceeding and, after giving the society or Committee or Officer an opportunity of being heard, rescind such resolution or proceeding and order that the record thereof be deleted from the records of the society; and such record shall be deleted accordingly. On such rescission, it shall be incumbent on the society, committee or officer concerned to take such steps as the Registrar may direct in regard to any action that may have been taken in accordance with the resolution or proceeding.

L.S.16/5.

K Subba Rao
Registrar in charge.
for

Analysis of the practice obtaining in the several Provinces re rescinding any resolution or action of a co-operative society relating to the promotion of Religious or political aims.

I. Provinces where the Registrar has such powers:-

1. Bombay
2. United Provinces
3. Burma
4. Cochin.

} Rules quoted separately.

II. Provinces where the Registrar has no powers:-

1. Madras: The Registrar of Co-operative Societies is not vested with any such powers in the Presidency.

2. Assam: There is no Government Order or rule in force empowering the Registrar to rescind any action or resolution of the society.

3. Ajmer-Merwara. There are no rules empowering the Registrar to rescind resolutions but the Registrar has power to refuse to sanction them.

4. Patiala: The situation contemplated has never arisen in the State so far.

5. North-West Frontier Province. There are no orders or rules of the Government on the point.

6. Bhopal: No such orders have been issued by the Bhopal Government.

7. Central Provinces - Berar: There is no Government Order or rule in this Province.

========

III. Provinces where the question is under the consideration of Government.

1. Bihar: Draft rule has been framed and is under the consideration of Government.

2. Travencore: Registrar has addressed Government on the subject.

****

Registrar in charge.

Appendix F G—1]

8

SUBJECT .....

.....

.....

Section 6(5)

File No. 11-36

Serial No. 175

No. D 2813.

Diary No. of letter replied to.....

To

The Registrar Cl.

Sir

General and Revenue Secretariat

( )

the *193* .

Date of issue 6-10-37

Signed by .....

of political and religious activities for the Co operative Movement

I am K. Subba Rao

With reference to the correspondence ending with your letter No 8920 dated the 15th May 1937 re the exclusion of ~~question of rejecting exemption or action of a society advocating the principle of~~ ~~exclusion of the discussion or propagation of controversial opinions of a political~~ ~~or religious character from the activities~~ as recommended by the Committee on Co-operation ~~Co of Indebtedness~~ I am directed to state that Govt have accepted the principle underlying the recommendation of the Committee and to request you to consider in para 7 of G.O.No.D 1113 C.S 11-36-1 dated 31-7-37 for the consideration of Govt suitable draft rules for giving effect to the ~~Recommendations~~ kindly forward

I have the honour to be Sir Your obedient servant

9/37

for Secretary to Govt.

List of enclosures.....

Copied by .....

Examined by.....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 2813/ L.S. 11-36-175. Dated, Bangalore, 30th September 193 7
6-10-37

From

The Secretary to the Government of His Highness the Maharaja of Mysore.
Local-Self Government Department.

To

The Registrar of Co-operative Societies in Mysore,
Bangalore.

Sir,

With reference to the correspondence ending with your letter No.8920 datedthe 15th May 1937 regarding the exclusion of political and religious activities from the Co-operative Movement, I am directed to state that Government have accepted the principle underlying the recommendation of the Committee in para 7 of Government Order No.D.1113 C.S.11-36-144 dated 31st July 1937 and to request you to kindly forward for the consideration of Government suitable draft rule for giving effect to it.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government,
L.S.G. Department.

C.S. 11-36-188

GOVERNMENT OF MYSORE.

9 OCT. 1937

No. 2842 C. S.

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Telegraphic Address: "CO-OPERT" Bangalore

SECY LOCAL GOVT OF MYSORE 9. OCT 1937

Dated Bangalore, 8th October *193* 7.

FROM

M. ABDUL HUKH, ESQ., B.A.,
Registrar of Co-operative Societies in Mysore,
BANGALORE.

To

P.H.Krishna Rao,Esq., M.A.,
Secretary to the Government of Mysore,
Local Self Government Department, Bangalore.

Sir,

With reference to your letter No.D.2813/C.S.11-36-175 dated 6th October 1937 requesting me to forward for the consideration of Government, draft rules regarding the exclusion of political or religious activities from the Co-operative Movement, I have the honour to note below the draft rule as desired.

Rule 34. "No society may take any action which would involve the society in the discussion or propagation of controversial opinions of a religious or political character and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency."

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

L.S.8/10.

Appendix F G—1]

SUBJECT .....

.....

.....

Section 65

File No. 11-36

Serial No. 198

No. D 3350.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 3-11-37

P. H. Krishna Rao

Signed by Mr. ~~K. Subba Rao~~

List of enclosures.....

Copied by 29/10/37

Examined by.....

Notification

Under the powers vested in them by Section 44 (2) (c) of the Mysore Cooperative Societies Regulation 1918 as amended from time to time, the Govt of H.H. the Maharaja of Mysore are pleased to publish for general information the following draft rule re the exclusion of political and religious activities from the cooperative movement

Any suggestions or objections in regard to the proposed rule may be sent to the Secy L.S.G. Dept within three months from the date of publication of the draft rule in the Mysore gazette after which the draft rule will be taken up for consideration

Any suggestions received after the

due date will not receive consideration

(Here ends the matter in the B.O.D)

B.O

15.10.37 Secy. L.S.G

To The Bombay Government Gazette for publication in Part IV of the Gazette with the request that 25 copies of the same may be sent to this office

Memo D 3351

Copy of the above is forwarded with compliment to the Navy Cd. for information with reference to his letter No 2842 dated 8/10/37

B.O

15.10.37 Secy L.S.G

Government of His Highness the Maharaja of Mysore,
General and Revenue Secretariat,

No. D 3350/S-511-36-198 Dated, Bangalore, the 29th October 1937.
3rd Nov

NOTIFICATION.

Under the powers vested in them by Section 44 (2)(c) of the Mysore Co-operative Societies Regulation 1913 as amended from time to time the Government of His Highness the Maharaja of Mysore, are pleased to publish for general information the following draft rule regarding the exclusion of political and religious activities from the Co-operative movement.

Any suggestion or objection in regard to the proposed rule may be sent to the Secretary, Local Self Government Department within two months from the date of publication of the draft rule in the Mysore Gazette after which the draft rule will be taken up for consideration.

Any suggestions received after the due date will not receive consideration.

Rule 34. "No society shall take any action which would involve the society in the discussion or propagation of controversial opinions of a religious or political character and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency".

By Order,

[signature]
Secretary to Government,
L.S.G. Department.

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette with the request that 25 copies of the same may be sent to this office.

. . .11.

NOTIFICATION.

No. D. 3350—*C. S.* 11-36-198, *dated Bangalore, the 29th October—3rd November* 1937.

Under the powers vested in them by Section 44 (2) (c) of the Mysore Co-operative Societies Regulation, 1918, as amended from time to time the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft rule regarding the exclusion of political and religious activities from the Co-operative movement.

Any suggestions or objections in regard to the proposed rule may be sent to the Secretary, Local Self-Government Department, within two months from the date of publication of the draft rule in the *Mysore Gazette* after which the draft rule will be taken up for consideration.

Any suggestions received after the due date will not receive consideration.

Rule 34. "No society may take any action which would involve the society in the discussion or propagation of controversial opinions of a religious or political character and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency."

By Order,

P. H. KRISHNA RAO,
Secretary to Government,
Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore

Statement of Objections received against Rule 34 – Exclusion of the political and religious activities under the Cl Act 15

I The Bombay Cooperative Society Ltd

Too vaguely worded and open to abuse

No power under the 44(2)(c) to make such a bylaw as it does not attract the wording of any object or purpose contemplated

"Extract from the letter of the Society forwarding its objections against Rule 33, 6B, and 34."

The proposed rule while apparently innocuous is too vaguely worded and may be open to abuse. There seems to be also no need for a rule of this nature as far as this Committee is aware. It may also be pointed that there seems to be no power under Sec 44(2)(c) of the Mysore Cooperative Societies Regulation to make such a bylaw as it does not come within the wording of any Object or the purpose Contemplated under that rule

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Appendix F G—1]

16

SUBJECT .....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193 .

Date of issue 12-3-37

Signed by M.K. Srinivasan

List of enclosures.....

Copied by .....

Examined by.....

Section Gen.

File No. 11-36

Serial No. 248

No. D 6693

To

The Registrar G.S.

Sir

In ~~I am directed~~ to invite/refer to the Correspondence ending with your letter No 8920 dated the 15th May 1937 intimating the ~~in other parts of the India~~ practice that is prevalent/in regard to the ~~Subject~~ rescinding any resolution or adding anything relating to the procedure of religious ~~ceremonies~~ amusements etc. ~~and~~ to request you to kindly ~~ascertain~~ and intimate to ~~the~~ statutory basis, if any, for such a rule in the Provinces of Bombay & U.P. and whether the Govts of those Provinces have got wide powers of rule-making

I have etc

M.K. Srinivasan

for Secy to Govt

exquire what the statutory basis for such a rule in Bombay & U.P. is & whether the Govts of those provinces have got wide powers of rule making

11/3

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 6643/65

Dated, Bangalore, 11th March 1938

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Local Self-Government Department.

To

The Registrar of Co-operative Societies in
Mysore, Bangalore.

Sir,

In inviting reference to the correspondence ending with your letter No.8920 dated the 15th May 1937 intimating the practice that is prevalent in other parts of British India and Indian States in regard to the subject of rescinding any resolution or action of a society relating to the promotion of religious aims etc., I am directed to enquire what the statutory basis for such a rule in Bombay and United Provinces is and whether the Government of these provinces have got wider powers of rule making.

I have the honor to be,
Sir,
Your most obedient servant

For Secretary to Government,
L.S.G.Department.

SR/2

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

695/37 C.S. M-36-262

GOVERNMENT OF MYSORE.

No. 7907 C.S. 9ee/

Telegraphic Address: "CO-OPERT" Bangalore

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Dated Bangalore,.....May.....193 8 .

FROM

ABDUL HUKH, ESQ., B.A.,
Registrar of Co-operative Societies in Mysore,
Bangalore.

To

Dno. 12033 6/5 A.S.Law

P.H.Krishna Rao, Esq., M.A.,
Secretary to the ~~Government of Mysore,~~
Local Self-Government Department, Bangalore.

Sir,

In continuation of my unofficial Note No.8986/C.S. dated 2nd May 1938 regarding the exclusion of political and religious activities from the Co-operative Movement, I have the honour to submit herewith for the information of Government an extract from letter No.G.E.N.140 of 1938 dated 20th May 1938 received from the Registrar of Co-operative Societies, Bombay Presidency, in the matter of the powers of the Registrar to rescind certain resolutions.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

The main file is before the Asst Secy. Law. If approved this will be sent to him in Cantt

28/5/38 L.S.25/5. Asst Secy. Law. DC

28/5 Law ABR 28-5

The main file is returned to Bay. ABR ✓ Asst Secy (Secretariat) 15/7/38

NOTE.—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

Letter No.G.E.N.140 of 1938 dated 20th May 1938 from the Registrar of Co-operative Societies, Bombay Presidency,Poona, to the Registrar of Co-operative Societies in Mysore,Bangalore.

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I have the honour to invite reference to your No.7612 dated 24th March 1938, regarding the statutory basis for Rule 46 of the Rules, and to state that under Section 71 of the Bombay Co-operative Societies' Act, VII of 1925, Government, for the whole Presidency or any part of the Presidency, for any society or class of societies, makes rules to carry out the purposes of the Act. Under Section 71, it is competent to Government to make Rules "to provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings and also to provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the Committee and other officers (vide Section 71(f) and (g). Hence the question of restricting the freedeom of the societies and their office-bearers about discussion of subjects would appear to fall within - matters on which Government is empowered to make rules. Rule 46, therefore, lays down that if there is controversial discussion of religious subjects, the Registrar can prohibit or rescind the action taken by the society by intervening under Rule 46.

x x x x x x

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* Extract "

Registrar.

Appendix F G—1]

SUBJECT .....

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Section C. S.

File No. 11-36

Serial No. 268

Diary No. of letter replied to .....

Notification

No. D9434

To

General and Revenue Secretariat

( )

the *193* .

Date of issue 22-6-38

Signed by .....

In exercise of the powers vested in him under Section 44 (2) (f) and (g) of the Mysore Co-operative Societies Act VII of 1918 as amended from time to time, the Govt of H. H. the Maharaja of Mysore are pleased to make the following rule in the matter of the exclusion of political and religious activities from the Co-operative movement.

[Here enter Rule 34 published in Draft notification.]

By order

14/6/38

Secy to G. S. & Dept

List of enclosures.....

Copied by .....

Examined by.....

To Compiler, Mysore Gazette for publication in Part IV of the Mys. Gazette

WD 0278—GPB—30,000—4-3-38

L

Government of His Highness the Maharaja of Mysore,
General and Revenue Secretariat.

No. D 3350/RS 11-36-198 Dated, Bangalore, the 29th October 1937.
3rd Nov

NOTIFICATION.

Under the powers vested in them by Section 44 (2)(c) of the Mysore Co-operative Societies Regulation 1912 as amended from time to time the Government of His Highness the Maharaja of Mysore, are pleased to publish for general information the following draft rule regarding the exclusion of political and religious activities from the Co-operative movement.

Any suggestions or objections in regard to the proposed rule may be sent to the Secretary, Local Self Government Department within two months from the date of publication of the draft rule in the Mysore Gazette after which the draft rule will be taken up for consideration.

Any suggestions received after the due date will not receive consideration.

Rule 34. "No society may take any action which would involve the society in the discussion or propagation of controversial opinions of a religious or political character and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency".

By Order,

K Seeee

NOTIFICATION

No. D. 9434—*C. S.* 11-36-268, *dated Bangalore,*
22*nd June* 1938.

In exercise of the powers vested in them under Section 44 (2) (*f*) and (*g*) of the Mysore Co-operative Societies Act VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following rule in the matter of the exclusion of political and religious activities from the co-operative movement :—

Rule 34. "No society may take any action which would involve the society in the discussion or propagation of controversial opinions of a religious or political character and the Registrar may prohibit any action or rescind any resolution which in his opinion is of such a tendency."

By Order,

P. H. KRISHNA RAO,

Secretary to Government,
Local Self-Government Department.

Printed by the Superintendent at the Government Press, Bangalore.